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To: Microsoft ATR
Date: 12/17/01 2:16pm
Subject: Proposed Final Judgment

As I understand it you are required by law to make yourselves available to public comment, but I thank you for the chance to put in my concerns regardless of why you read them.

I also am quite sure that in a high profile case you are getting much in terms of input, so I'll keep this short and to my primary concern.

In that past Microsoft has shown great contempt for both the free market and the court in it's business practices. This was proved in the case.

I don't agree with the settlement that has been proposed. It seems to me that it is a terribly light slap on the wrist for a company that, by it's own admission, is central to the computing economy to suffer so little for such egregious crimes.

However, there is little I can do except to state that I hope stronger punishment can be given in place of the current PFJ.

Assuming that the PFJ is put into action *please* make sure that the supervisory functions are actively executed and that all future violations (at this point I think we must assume there *will* be future violations since Microsoft has shown no remorse for it's past illegal behavior and, in fact, have built the largest software company in the world using said practices) be quickly dealt with.

The problem with the software industry is that it moves so much more quickly than the court system. In the current context Netscape is a great example of a company that Microsoft put out of business using illegal practices, but there are dozens of others. I have worked with several databases, GUI tools and general utilities made by companies that no longer exist because Microsoft colluded to put them out of business using illegal practices.

As I say earlier I think the PFJ is a startlingly punishment free proposal for such egregious crimes. My preference would have been a fine of \$17B (the amount of free cash that Microsoft has in the bank right now) as it seems the only thing they respect is the dollar. If it cannot be, then please make certain that future violations are dealt with swiftly. It's the only way that competition if going to be reintroduced to the competitive market.

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